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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,319	03/29/2001	Richard J. Qian	PW 0275028	2274
909	7590	05/09/2003		
PILLSBURY WINTHROP, LLP			EXAMINER	
P.O. BOX 10500			NGUYEN, CINDY	
MCLEAN, VA 22102				
			ART UNIT	PAPER NUMBER
			2171	

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/821,319	QIAN, RICHARD J.
Examiner	Art Unit	
Cindy Nguyen	2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 22 September 2003.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-5, 7, 9, 11-13, 15-19, 21, 23-26, 28, 30-35, 37 and 38 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-7, 9, 11-19, 21, 23-26, 28 and 30-38 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 29 March 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received..
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                            4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                    6) Other: \_\_\_\_\_

## **DETAILED ACTION**

This is in response to amendment filed 09/22/03.

### **1. *Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/22/03 has been entered.

### **2. *Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

It is not clear to the Examiner, what is meant by "all the statistical information".

### **3. *Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 1-5, 7, 9, 11, 12, 15, 21, 31-35, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellenby et al. (U.S 5742521) (Ellenby) in view of Graham et al. (U.S 20020059205) (Graham).**

Regarding claims 1, 11 and 31, Ellenby disclose: a method, a system and a program code of automatic statistics generation and management, comprising:

a head-end system (45, fig. 4 and corresponding text, Ellenby) to receive video input data of a sporting event (col. 13, lines 20-42, Ellenby) and to generate in real-time semantic information (col. 12, lines 36-64, Ellenby) and geometric information based on the video input data without input from an operator (col. 10, lines 31-47, Ellenby), wherein the semantic information and the geometric information generated are textual information (col. 10, lines 31-47, Ellenby),

a statistics generation system (46, fig. 4 and corresponding text, Ellenby) to generate sporting statistics based on at least one of the semantic information and the geometric information received from the head-end system (col. 11, lines 44-64, Ellenby); and

a statistics management system (45, fig. 4 and corresponding text, Ellenby) to store (col. 8, lines 56-57, Ellenby) and manage the sporting statistics received from the statistics generation system (col. 9, lines 23-25, Ellenby).

However, Ellenby didn't disclose: utilizing software applications with include rules and determine from tracking information all the statistical information that is to be recorded for the sporting event. On the other hand, Graham discloses: utilizing software applications with include rules and determine from tracking information all the statistical information that is to be

recorded for the sporting event (page 4, paragraph 0054, Graham). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include software applications with include rules and determine from tracking information all the statistical information that is to be recorded for the sporting event in the system of Ellenby as taught by Graham. The motivation being enable to automatically scheduling a large sporting event and keeping track of all scheduling rules for a sports facility (page 1, paragraphs 0011-0012, Graham).

In addition, Ellenby/Graham discloses: the semantic information includes event model information that describes game-rule type events that occur during a game (page 4, paragraph 0055, Graham).

Regarding claims 2 and 32, all the limitations of these claims have been noted in the rejection of claims 1 and 31 above, respectively. In addition, Ellenby/Graham discloses: further including storing the sporting statistics (col. 11, lines 21-36, Ellenby).

Regarding claims 3, and 33, all the limitations of these claims have been noted in the rejection of claims 1 and 31 above, respectively. In addition, Ellenby/Graham discloses: further including analyzing the sporting statistics (col. 7, lines 59 to col. 8, lines 14, Ellenby).

Regarding claims 4, 12 and 34, most of the limitations of this claim have been noted in the rejection of claims 1, 11 and 31 above, respectively. In addition, Ellenby/Graham discloses:

further including providing the video input data from at least one video camera located at the sporting event (col. 7, lines 49-59, Ellenby).

Regarding claims 5 and 35, all the limitations of these claims have been noted in the rejection of claims 1 and 31 above, respectively. In addition, Ellenby/Graham discloses: further including receiving a query for the sporting statistics (col. 9, lines 50-65, Ellenby).

Regarding claims 7 and 37, all the limitations of these claims have been noted in the rejection of claims 1 and 31 above, respectively. In addition, Ellenby/Graham discloses: further including analyzing the sporting statistics to discover patterns and predict future trends (col. 24, lines 33-49, Ellenby).

Regarding claims 9, 21 and 38, most of the limitations of this claim have been noted in the rejection of claims 1, 11 and 31 above, respectively. In addition, Ellenby/Graham discloses: wherein the input data is from a radio frequency (RF) beacon (col. 9, lines 34-49, Ellenby).

Regarding claim 15, all the limitations of this claim have been noted in the rejection of claim 11 above. In addition, Ellenby/Graham discloses: wherein the statistics generation system includes:

a model manager (stadium model, col. 8, line 66, Ellenby) to access the semantic information and the geometric information (col. 8, lines 65 to col. 9, lines 25, Ellenby); and

a statistics generator to receive and process at least one of the semantic and geometric information from the model manager to generate the sporting statistics (col. 12, lines 27-45, Ellenby).

**5. Claims 13, 16-19, 23-26, 28 and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ellenby et al. (U.S 5742521) (Ellenby) in view of Graham et al. (U.S 20020059205) (Graham) and further in view of Kelts (U.S 2002/0112237).**

Regarding claim 13, all the limitations of this claim have been noted in the rejection of claim 11 above. In addition, Ellenby/Graham discloses: the statistics management system to support query applications from a user interface (col. 9, lines 41-49, Ellenby). However, Ellenby didn't disclose: further including a gateway connected to the statistics management system to support query applications from a user interface. On the other hand, Kelts discloses: a gateway connected to the statistics management system to support query applications from a user interface (910, fig. 9 and corresponding text). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include a gateway in the combination system of Ellenby/Graham as taught by Kelts. The motivation being to enable the users to communicate via network to provide information and service to the end user.

Regarding claim 16, all the limitations of this claim have been noted in the rejection of claim 11 above. In addition, Ellenby/Graham /Kelts disclose: wherein the statistics management system includes: a statistics database to store and manage the sporting statistics (col. 8, lines 28-

40, Ellenby); and a data miner (516, fig. 5 and corresponding text, Kelts) to extract and analyze the sporting statistics stored in the statistics database (p. 12, paragraph 0116, Kelts). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include a data miner in the combination system of Ellenby/Graham as taught by Kelts. The motivation being to enable the user to access the system to estimate and analyze information associated with the use of display system data.

Regarding claim 17, all the limitations of this claim have been noted in the rejection of claims 16 and 7 above. It is therefore rejected as set forth above.

Regarding claim 19, all the limitations of this claim have been noted in the rejection of claim 11 above. In addition, Ellenby/Graham /Kelts disclose: wherein the sporting statistics are saved in a predefined Extended Markup Language (XML) schema (fig. 6 and corresponding text, Kelts). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include XML schema in the combination system of Ellenby/Graham as taught by Kelts. The motivation being to enable the user to process data information and convert information to XML format to display information over Internet.

Regarding claim 23, all the limitations of this claim have been noted in the rejection of claims 1, 15-16 above. It is therefore rejected as set forth above.

Regarding claims 18 and 30, all the limitations of these claims have been noted in the rejection of claims 11 and 23 above, respectively. In addition, Ellenby/Graham /Kelts disclose: wherein the semantic information is an Extended Markup Language (XML) file (p. 12, paragraph 0126).

Regarding claim 24, all the limitations of this claim have been noted in the rejection of claims 23 and 12 above. It is therefore rejected as set forth above.

Regarding claim 25, all the limitations of this claim have been noted in the rejection of claims 23 and 13 above. It is therefore rejected as set forth above.

Regarding claim 26, all the limitations of this claim have been noted in the rejection of claims 23 and 7 above. It is therefore rejected as set forth above.

Regarding claim 28, all the limitations of this claim have been noted in the rejection of claims 23 and 9 above. It is therefore rejected as set forth above.

#### ***6. Response to Arguments***

Applicant's arguments have been considered, but are moot in view of the new ground(s) of rejection.

#### **7. Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fraker et al. (U.S 5434789). GPS Golf diagnostic system.

McDonough et al. (U.S 2002/0072815 A1). Portable information system and method for golf play enhancement, analysis and scorekeeping.

Herz (U.S 6029195). System for customized electronic identification of desirable objects.

#### **8. Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*cn*  
Cindy Nguyen  
November 13, 2003

*Wayne*  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER